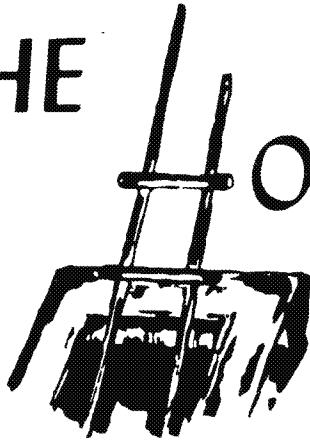


THE




HOPI TRIBE

Timothy L. Nuvangyaoma
CHAIRMAN

Clark W. Tenakhongva
VICE-CHAIRMAN

MEMORANDUM

TO: Carroll Onsae, General Manager
Hopi Telecommunications, Inc.

FROM: 
Theresa A. Lomakema, Tribal Secretary
Office of Tribal Secretary

DATE: June 26, 2019

SUBJECT: TO APPROVE HOPI UTILITIES CORPORATION TO ENTER INTO A P.L. 93-638, SUBPART J CONSTRUCTION CONTRACT WITH INDIAN HEALTH SERVICE TO PERFORM THE HOPI ARSENIC MITIGATION PROJECT REMAINING PLANNING, DESIGN AND CONSTRUCTIN ACTITIVIES – A.I. #039-2019 / H-041-2019

On June 25, 2019, the Hopi Tribal Council by motion and majority vote, approved the Action Item and Resolution mentioned above.

By passage of this Resolution, the Hopi Tribal Council hereby approves and authorizes the Hopi Utilities Corporation (HUC) to use Public Law 93-638, Subpart J Construction Contract for the Hopi Arsenic Mitigation Project.

Furthermore, HUC is hereby authorized to directly receive and expend 638 contract funds. Such funds shall be made available directly to HUC and shall not go through the Tribe's procurement and contracting process.

C: Office of the Chairman
Office of the Vice Chairman
Office of the Treasurer
Office of Financial Management
Office of Executive Director
Office of Contracts & Grants
Office of General Counsel
Hopi Utilities Corporation
File

HOPI TRIBAL COUNCIL
RESOLUTION
H-041-2019

WHEREAS, the Constitution and By-Laws of the Hopi Tribe, Article VI, Section 1 (a), authorizes the Hopi Tribal Council “[t]o represent and speak for the Hopi Tribe in all matters for the welfare of the Tribe . . .”; and

WHEREAS, on June 6, 2017, the Hopi Tribal Council adopted Resolution H-062-2017, approving the Charter of Incorporation of Hopi Utilities Corporation (“HUC”) as a wholly-owned entity of the Hopi Tribe, chartered as a Hopi corporation under Hopi Tribal Ordinance 45; and

WHEREAS, Resolution H-062-2017 recognized that it is in the best interest of the Hopi Tribe to create a tribally-owned public utilities company to address important water quality and power issues facing the Tribe, the Hopi Villages and the Hopi people, including but not limited to the Hopi Arsenic Mitigation Project (“HAMP”); and

WHEREAS, under its Charter, HUC has broad authority to construct, own, manage and operate water and electric power systems and services for the Hopi Tribe, to enter into and perform contracts and to keep its own financial books and records; and

WHEREAS, Resolution H-062-2017 expressly stated that “the Tribal Treasurer and other Tribal officials are hereby authorized to transfer such funds and property as are or are to be dedicated to Reservation water or electric power services or systems to Hopi Utilities Corporation, to be used and/or expended as authorized under its Charter of Incorporation;” and

WHEREAS, The Indian Health Service has provided notification of funds available to construct HAMP pursuant to the letter from Eric L. Matson, P.E. Director,

HOPI TRIBAL COUNCIL
RESOLUTION
H-041-2019

Sanitation Facilities Construction Program to Mr. Timothy L. Nuvangyaoma, Chairman, Hopi Tribe dated April 24, 2018; and

WHEREAS, Resolution H-006-2019 serves as the Hopi Tribe's Letter of Intent to enter into a P.L. 93-638 Construction Project Agreement for the remaining planning, design and construction of the HAMP; and

WHEREAS, the Hopi Tribal Council has the authority under Public Law 93-638 and has determined it is in the best interest of the Hopi Tribe to enter into a P.L. 93-638 Construction Project Agreement for the remaining planning, design and construction of HAMP.

WHEREAS, the Hopi Tribe is about to negotiate a "638 contract" with the Indian Health Service funding the planning, design and construction of HAMP; and

WHEREAS, HUC will be the tribal entity negotiating the contract and performing the work under the "638 contract" for HAMP; and

WHEREAS, the Tribal Council has already authorized the transfer to HUC of tribal funds dedicated to tribal water and power projects.

NOW THEREFORE BE IT RESOLVED that the Hopi Tribal Council hereby approves use of a Public Law 93-638, Subpart J Construction Contract for HAMP.

BE IT FURTHER RESOLVED that under the authority of Resolution H-060-2017 and its Charter, HUC is hereby authorized to directly receive and expend "638 contract" funds and other future federal and tribal funds for HAMP and for other tribal water and electric projects.

HOPI TRIBAL COUNCIL
RESOLUTION
H-041-2019

BE IT FURTHER RESOLVED that that such funds shall be made available directly to HUC and shall not go through the Tribe's procurement and contracting process, which would complicate and delay the completion of HAMP.

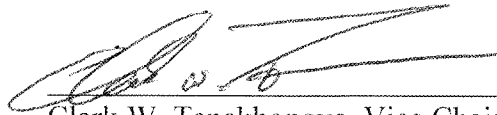
BE IT FURTHER RESOLVED that the Chairman, or his designee, is hereby authorized to take such further or additional actions as may be necessary to fulfill the intent of this Resolution.

BE IT FINALLY RESOLVED that the Hopi Tribal Council authorizes Hopi Utilities Corporation to execute all agreements and subsequent modifications and take all actions necessary for completion of HAMP and to make such modifications contingent upon funding available from the Indian Health Service, acting on behalf of the Secretary of Interior.

HOPI TRIBAL COUNCIL
RESOLUTION
H-041-2019

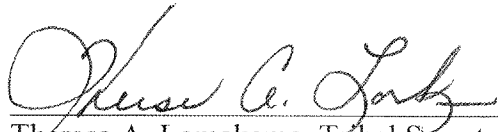
CERTIFICATION

The Hopi Tribal Council duly adopted the foregoing Resolution on June 25, 2019 at a meeting at which a quorum was present with a vote of 11 in favor, 3 opposed, 0 abstaining (Vice Chairman presiding and not voting) pursuant to the authority vested in the Hopi Tribal Council by ARTICLE VI-POWERS OF THE TRIBAL COUNCIL, SECTION 1 (a) of the Hopi Tribal Constitution and By-Laws of the Hopi Tribe of Arizona, as ratified by the Tribe on October 24, 1936, and approved by the Secretary of Interior on December 19, 1936, pursuant to Section 16 of the Act of June 18, 1934. Said Resolution is effective as of the date of adoption and does not require Secretarial approval.



Clark W. Tenakhongva, Vice Chairman
Hopi Tribal Council

ATTEST:



Theresa A. Lomakema, Tribal Secretary
Hopi Tribal Council